60246-145

1773

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	James William Otter
Serial No.:	09/923,554
Filed:	August 7, 2001
Group Art Unit:	1773
Examiner:	Jackson, Monique R.
Title:	Ethylene Terpolymer Adhesive for Condensing Furnace Heat Exchanger Laminate Material

TERMINAL DISCLAIMER TO OBVIATE
OBVIOUSNESS-DOUBLE PATENTING REJECTIONS

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Karin H. Butchko, represent that I am an agent authorized to sign on behalf of the above-referenced Applicant of record, Carrier Corporation. The application has been and continues to be owned by Carrier Corporation. The extent of the interest of Carrier Corporation is in the whole of this invention. I have reviewed the application listed above, and to the best of my knowledge and belief, title to the present application is in Carrier Corporation.

I hereby disclaim the terminal part of any patent granted on the above identified application which would extend beyond the expiration of the full statutory term of United States Patent No. 6,527,906, as presently shortened by any terminal disclaimers, and hereby agree that any patents granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,527,906. This agreement is to run with any patent granted on the above-identified application, and to be binding upon the grantor, its successors or assignees. Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of United States Patent No. 6,527,906 as presently shortened by any terminal disclaimer in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims cancelled by a re-examination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.

Karin H. Butchko
Registration No. 45,864
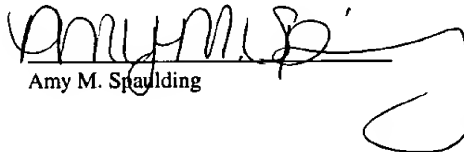Attorneys for Applicant
400 West Maple Road, Suite 350
Birmingham, Michigan 48009
(248) 988-8360

Dated: September 2, 2003

CERTIFICATE OF MAILING

I hereby certify that the enclosed disclaimer being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 2, 2003.
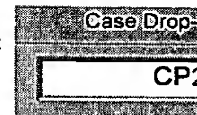
Amy M. Spaulding

N:\Clients\carrier\IP0145\\pat\terminal disclaimer.doc

-2-

DATE: 30-Oct-03

APPL. S.N.: **09/923,554**

TO: EXAMINER **JACKSON, MONIQUE R**

ART UNIT: **1773**

FROM: Proctor, Jean

PARALEGAL SPECIALIST

RETURN THIS MEMO TO: Case Drop-(

CP2

SUBJECT: Decision on Terminal Disclaimer (T.D.) filed: | 09-Sep-03 |

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete, please initial, date and return this memo to me. THANK YOU.

☑ The T.D. is PROPER and has been recorded (see ¶14.23).

☐ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see ¶ 14.24):

☐ The TD fee of [ ] has not been submitted nor is there any authorization in the application file for the use of a deposit account (see ¶ 14.26.07).

☐ The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see ¶ ¶ 14.26 & 14.26.01).

☐ The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see ¶ 14.27.01).

☐ The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see ¶ ¶ 14.26 & 14.26.02).

☐ The person who signed the T.D.:

☐ is not an attorney "of record" (see ¶ ¶ 14.29 and 14.29.01).

☐ has failed to state his/her capacity to sign for the business entity (see ¶ 14.28).

☐ is not recognized as an officer of the assignee (see ¶ ¶ 14.29 & possible 14.29.02).

☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see ¶ 14.30).

☐ The T.D. is not signed (see ¶ ¶ 14.26 & 14.26.03).

☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see ¶ 14.32).

☐ The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see ¶ ¶ 14.26, 14.27.02 or 14.26.05).

☐ The period disclaimed is incorrect or not specified (see ¶ ¶ 14.26, 14.27.02 or 14.26.03).

☐ Other: [ ]

☐ Suggestion to request refund (see ¶ 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex. Initials:_____ Date:_____

Log Date: